IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.821 OF 2003
IN
SECOND APPEAL NO.536 OF 2003

.....

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

.....

Mr.Arvind Purohit for the Appellants
Mr.Dyneshwar Deshmukh h/f Mr.G.S.Godbole
for Respondent Nos. 1 and 2.

CORAM: A.S.OKA, J.

DATED: AUGUST 13, 2004.

P.C.:

1. Heard the Counsel appearing for the parties. Perused the order dated 7th August 2003. The Decree is passed against the Applicants/Appellants on the ground that they are trespassers. Therefore, decree for possession cannot be stayed unless the Appellants deposit a reasonable amount per month. Considering the facts and circumstances in the case, the said amount is fixed at Rs. 200/- per month.

2. Hence Civil Application is disposed of by passing following order :

i) There will be stay of execution of Clause Nos. 2 and 4 of the operative part of the Decree dated 6th February 2003 subject to condition that the Applicants/Appellants will deposit in the Trial Court a sum of Rs.200/- per month by way of compensation from 1st May 2003 to 31st August 2004 on or before 31st December 2004 and subject to further condition that the Appellants will keep on depositing a sum of Rs.200/- per month in the Trial Court from September 2004 on or before every 10th of every calendar month.

ii) In the event the amounts are deposited by the Applicants/Appellants in the Trial Court, the Respondents are permitted to withdraw the said amount. It is made clear that deposit of the amounts by the Appellants/Applicants and withdrawal thereof by the Respondents will be without prejudice to the rights and contentions of both the parties and subject to final result of the Appeal.

iii) In the event the Appellants / Applicants commit any breach of the order

passed by this Court, liberty to the Respondents to apply for vacating the interim relief.

iv) Civil Application is disposed of with no order as to costs.

v) Certified copy is expedited.

Judge.